

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

By way of this Amendment, new Claims 12-23 are presented for consideration. All of these new claims are readable on the two species elected with traverse in the response filed on November 28, 2005. Claims 1-3 remain readable on the two elected species.

Although applicants are not in agreement with the observation that Claims 7 and 8 are not readable on the elected species, it is understood that such claims, together with Claims 4-6 and 9-11, remain withdrawn from further consideration.

The claims currently under consideration in this application are directed to a guide wire comprising first and second wires that are joined to each other by welding. The first wire is disposed on the distal side of the guide wire and is fabricated of a reshapable material, while the second wire is disposed on the proximal side from the first wire and is fabricated from a pseudo-elastic alloy.

As discussed in the present application at, for example, the middle of page two and on pages 15 and 16, the reshapable material forming the first wire is material which is able to be bent so that such portion of the guide wire is bendable into a desired shape, with such desired shape being maintained. The discussion on page 26 of the application describes examples of various types of reshapable materials used for the first wire, including stainless steels, piano wires and cobalt alloys.

The present application also describes at, for example, the bottom of page 18 and the top of page 19, that pseudo-elastic alloy material forming the second wire is

material in which the shape of the wire is significantly deformed by stress and then is restored nearly to its original shape upon removal of the stress. The specification describes examples of such pseudo-elastic alloy materials at page 19, including Ni-Ti alloy, Cu-Zn alloy, Cu-Zn-X alloy (with X being at least one type of Be, Si, Sn, Al and Ga) and Ni-Al alloy.

As discussed at various places in the present application, the construction of the guide wire at issue here provides a number of advantages. By virtue of the first wire being made from a reshapable material, the distal end portion of the guide wire is adapted to be bent to a desired shape by a user and to maintain such desired shape during use of the guide wire. In addition, by virtue of the second wire being made from a pseudo-elastic alloy, the guide wire exhibits highly desirable trackability in a blood vessel, particularly blood vessels possessing relatively complicated curves or bends, yet possesses characteristics inhibiting degradation of the operability of the guide wire due to plastic deformation during use.

U.S. Patent No. 6,001,068 to *Uchino et al.* discloses a guide wire that includes a first wire A located at the distal end of the guide wire and a second wire B located at the proximal end of the guide wire. The first wire A possesses an appropriate elasticity while the second wire B possesses a flexural rigidity greater than that of the first wire A. More specifically, *Uchino et al.* describes that the first wire can be made of various plastics and metals, with a super elastic alloy being a preferable material. At the bottom of column 3, *Uchino et al.* describes that a super elastic alloy is an alloy which exhibits super elasticity at the temperature at which it is used, with the term super elasticity referring to the property possessed by certain alloys that allows

the material to return to its original shape after it has been deformed to an extent such that normal metals are subjected to a plastic deformation.

Uchino et al. also describes at column 4, lines 7-26 that the second wire B can be made of various plastics and metals, with metals being a preferred material, and stainless steel or piano wire being preferred metals.

Comparing the claimed guide wire recited in independent Claim 1 to the guide wire disclosed in *Uchino et al.*, it is apparent that the first wire A disclosed in *Uchino et al.* is not made from a reshapeable material, but rather is fabricated from a super elastic alloy exhibiting super elasticity (i.e., a material which returns to its original shape after having been deformed to an extent such that normal metals are subjected to a plastic deformation). To make clear the reshapable nature of the material forming the first wire, Claim 1 has been amended to recite that the first wire is formed from a reshapable metal material. *Uchino et al.*'s disclosure of a first wire A made of a super elastic alloy exhibiting super elasticity is not a disclosure of a first wire made from a reshapable material as recited in Claim 1. In addition, the second wire B disclosed in *Uchino et al.* is not made of a pseudo-elastic alloy as recited in independent Claim 1, but rather is made from stainless steel or piano wire.

It is thus respectfully submitted that the claimed guide wire recited in independent Claim 1 is not anticipated by the disclosure in *Uchino et al.* Accordingly, withdrawal of the anticipatory rejection of independent Claim 1 is respectfully requested.

All of the claims which ultimately depend from independent Claim 1 are allowable at least by virtue of their dependence from an allowable independent claim. Those dependent claims also define additional distinguishing characteristics

associated with the claimed guide wire at issue here. For example, Claim 2 recites the third wire disposed on the proximal side from the second wire, with the third wire being made from a material having an elastic modulus larger than the elastic modulus of the material forming the second wire, and with the second wire and third wire being joined to each other by welding. U.S. Patent No. 5,365,943 to *Jansen* discloses a guide wire that includes a proximal section 44, an intermediate section 46 and a distal section 48. The Official Action states that it would have been obvious to modify the guide wire disclosed in *Uchino et al.* to include a proximal section having the largest modulus of elasticity in light of the disclosure in *Jansen*. However, even assuming one of ordinary skill in the art would have been motivated to carry out such a modification, it is noted that *Jansen* discloses using specific materials for the proximal section, intermediate section and distal section in order to produce a guide wire having particular characteristics for the desired usage. *Jansen* specifically describes at column 7, lines 49-60 that the proximal section 44 and the intermediate section are connected by adhesive. This is different from the construction recited in Claim 2 in which the second wire and third wire are joined to each other by welding. Thus, Claim 2 is further distinguishable in this way.

Early and favorable consideration of this application is respectfully requested.


Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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